

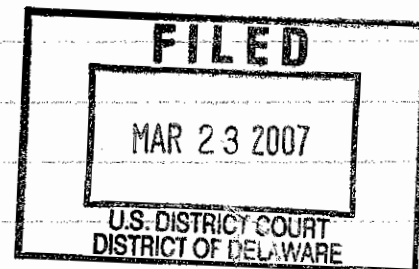
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM FRANCIS, JR.
Plaintiff,

v.

Civil Action No. 07-15 JJF

WARDEN THOMAS CARROLL,
CORRECTIONAL MEDICAL
SERVICES
Defendants.



MOTION TO AMEND COMPLAINT

Comes Now William Francis, Jr, plaintiff pro se,
pursuant to Rules 15(a) and 19(a) of the Federal
Rules of Civil Procedure and requests leave to
file an amended complaint and to add additional
parties as set forth below:

III. DEFENDANTS

(2) Name of second defendant:

Correctional Medical Services (CMS) Delaware
Regional Office

Employed as subsidiary and representative of CMS
in Delaware for prisoner health services at Delaware
Corr. Ctr.

Mailing address with zip code:

1201 College Park Drive, Suite 101
Dover, DE 19904

(3) Name of third defendant:

Correctional Medical Services (CMS) Main
Office

Employed as exclusive health services provider
for Delaware Department of Corrections at
Delaware Corr. Ctr.

Mailing address with zip code:

12647 Olive Blvd.
St. Louis, MO 63141

(4) Name of fourth defendant:

Stan Taylor, (former DOC Commissioner)

Employed as Commissioner for Del. Dept. of Corr. at
Department of Corrections

Mailing address with zip code:

38 Indian River Drive
Dagsboro, DE 19939

(5) Name of fifth defendant:

Joyce Talley

Employed as Bureau Chief of Management Services at Delaware Bureau of Prisons

Mailing address with zip code:

401 Hatchery Road
Dover, DE 19901

IV. STATEMENT OF CLAIM

5. Defendant CMS-Main Office is the parent company of CMS-Delaware and as such is solely responsible for setting policies, regulations, practices, rules and daily internal operations for the administration and provision of health services to Delaware prisoners. Defendant CMS-Main Office has been deliberately indifferent to plaintiff's need for treatment by not designating and/or classifying periodontal disease as a chronic care disease and giving preferential treatment to patients diagnosed with other chronic conditions, in violation of plaintiff's Eighth and Fourteenth Amendment rights.

6. Defendant Stan Taylor, as DOC Commissioner from January 2004 through 2006, authorized the ban on dental floss at the Delaware Correctional Center and failed to improve dental services for prisoners at the Del. Corr. Ctr. (DCC) when he entered into an exclusive contract with CMS, in violation of plaintiff's Eighth and Fourteenth Amendment rights.

7. Defendant Joyce Talley was the Bureau Chief for the Bureau of Management Services of the Delaware DOC and was specifically in charge of oversight of prisoner health care services and the medical vendor's compliance with its contract, including responsibility for detailed reviews of inmate-prisoner grievances from January 2004 through 2006. Defendant Joyce Talley knew or should have been aware that plaintiff's right(s) to be properly treated for his chronic periodontal disease was/were being violated, and in her capacity violated plaintiff's Eighth and Fourteenth Amendment rights.

WHEREFORE plaintiff prays that this Honorable Court grant this motion.

Respectfully submitted,

Dated: March 20, 2007

William Francis, Jr., pro se

(Rev. 5/05)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

(1) William G.L. Francis, Jr. - 264560
(Name of Plaintiff) (Inmate Number)

1181 Paddock Rd. - Smyrna, DE 19977
(Complete Address with zip code)

(2) _____
(Name of Plaintiff) (Inmate Number)

07-15 JJF

(Case Number)
(to be assigned by U.S. District Court)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

CIVIL COMPLAINT

(1) Thomas Carroll, Warden - DCC
(2) Correctional Medical Services (CMS)

☒ Jury Trial Requested

(3) _____
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

1) William G.L. Francis, Jr. v. Bureau of Prisons (2002)
C.A. No. 1:02 CV 01270 Judge Paul Lawrence Friedman

2) William Francis, Jr. v. Attorney General M. Jane Brady, et al
(2003)
C.A. No. 1:03 CV 01150 Judge Joseph J. Farnan, Jr.

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:

1. What steps did you take? I grieved to the Inmate Grievance Committee (IGC), Medical Grievance Committee (MGC), Bureau Chief, Warden Carroll, CMS and Health Services Admin.

2. What was the result? I have been denied dental floss and visits with a periodontist.

- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: Thomas Carroll

Employed as Warden at Delaware Corr. Ctr.

Mailing address with zip code: 1181 Paddock Rd. - Smyrna, DE 19977

- (2) Name of second defendant: Correctional Medical Services (CMS)

Employed as Private Contract Healthcare Provider at Delaware Corr. Ctr.

Mailing address with zip code: 1201 College Park Drive - Suite 101 - Dover, DE 19904

- (3) Name of third defendant: _____

Employed as _____ at _____

Mailing address with zip code: _____

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. Defendant Thomas Carroll has been deliberately indifferent to plaintiff's serious medical need to treat his chronic (advanced) periodontal disease by denying him access to any type of dental floss, in violation of the Eighth Amendment.
2. Defendant Thomas Carroll has discriminated against plaintiff by denying him access to any type of dental floss, although other inmates similarly situated at the Sussex Correctional Institution (SCI) are authorized to purchase and use dental floss.
3. Defendant CMS has been deliberately indifferent to plaintiff's chronic (advanced) periodontal disease by refusing to allow plaintiff to be treated by a periodontist, in violation of the Eighth Amendment. Periodontal disease significantly increases the risks of high blood pressure, stroke.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Injunctive Relief: Plaintiff requests that this Honorable Court order defendants to provide plaintiff the means to purchase dental floss or dental picks and arrange visits with a periodontist for plaintiff.

IV. STATEMENT OF CLAIM (continued)

2. floss, in violation of the Fourteenth Amendment.
3. and heart attack as reported by the Centers for Disease Control (CDC) and other credible sources, and plaintiff has experienced high blood pressure symptoms and complications in 2005 and 2006.
4. Defendant CMS has denied to plaintiff equal protection by allowing other inmates to receive treatment from outside specialists for a wide range of conditions and diseases, and disallowing plaintiff visits with a periodontist, in violation of the Fourteenth Amendment.

2. Compensatory Damages: Plaintiff requests that this Honorable Court order defendants to reimburse plaintiff for the costs of litigation in the amount of \$500.00 and \$50,000 for pain, suffering and emotional distress.
3. Punitive Damages: Plaintiff requests that this Honorable Court award plaintiff with \$100,000 in punitive damages.

I declare under penalty of perjury that the foregoing is true and correct.

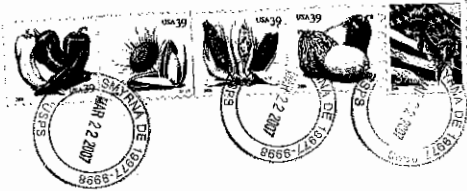
Signed this 4th day of January, 2007

William G. L. Francis, Jr.
(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

IM William Francis, Jr.
SBI# 264560 UNIT U-1 D-22
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



Office of the Clerk
U.S. District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware
19801-3570

U.S.M.S.
X-RAY